

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

GEORGE MANDALA and CHARLES  
BARNETT, individually and on  
behalf of all others similarly situated,

Plaintiffs,

Case No. 18 Civ. 6591 (CJS)

v.

NTT DATA, INC.,

Defendant.

**INDEX TO RECORD ON APPEAL**

District Court (WDNY) Docket Records, Case No. 18 Civ. 6591 (CJS)

Docket #	Docket Text	Date Filed
1	COMPLAINT against NTT Data, Inc. \$ 400 receipt number 0209-3191224, filed by George Mandala, Charles Barnett.(Miazad, Ossai) (Entered: 08/15/2018)	08/15/2018
9	MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice by NTT Data, Inc.. (Attachments: # 1 Declaration of Patricia Price, # 2 Exhibit A, # 3 Memorandum in Support of Motion to Dismiss)(Pizzutelli, Jessica) (Entered: 11/13/2018)	11/13/2018
11	MEMORANDUM in Opposition re 9 MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice filed by Charles Barnett, George Mandala. (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B)(Miazad, Ossai) (Entered: 12/12/2018)	12/12/2018
13	MEMORANDUM in Support re 9 MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice filed by NTT Data, Inc.. (Pizzutelli, Jessica) (Entered: 12/27/2018)	12/27/2018
15	NOTICE by Charles Barnett, George Mandala re 11 Memorandum in Opposition to Motion, Plaintiffs' Notice of Supplemental Authority In Further Opposition To Defendant's Motion To Dismiss The Class Action Complaint In Its Entirety And With Prejudice (Attachments: # 1 Exhibit A)(Miazad, Ossai) (Entered: 02/22/2019)	02/22/2019
16	NOTICE by NTT Data, Inc. re 9 MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice Defendant's Notice	03/06/2019

	of Supplemental Authority in Further Support of Motion to Dismiss the Class Action Complaint (Polito, Jacqueline) (Entered: 03/06/2019)	
19	REPLY/RESPONSE to re 16 Notice (Other), Plaintiffs' Response To NTT Data Inc.'s Notice of Supplemental Authority filed by Charles Barnett, George Mandala. (Miazad, Ossai) (Entered: 03/14/2019)	03/14/2019
20	NOTICE by Charles Barnett, George Mandala re 11 Memorandum in Opposition to Motion, Plaintiffs' Second Notice of Supplemental Authority In Further Opposition To Defendant's Motion To Dismiss The Class Action Complaint In Its Entirety And With Prejudice (Attachments: # 1 Exhibit A)(Miazad, Ossai) (Entered: 04/15/2019)	04/15/2019
27	DECISION AND ORDER granting 9 Motion to Dismiss; denies as moot 21 Motion to Compel. The Court finds that Plaintiffs have not met their burden of pleading a plausible claim of Title VII disparate impact and grants Defendants motion, ECF No. 9, to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Since the Court has dismissed the only federal claim, it declines to exercise jurisdiction over the state claims. 28 U.S.C. § 1337(c)(3). The Court denies Plaintiffs motion, ECF No. 21, to compel a Rule 26(f) conference as moot. The Clerk is directed to enter judgment for Defendant and close this case. Signed by Hon. Charles J. Siragusa on 7/17/19. (KAP)-CLERK TO FOLLOW UP- (Entered: 07/18/2019)	07/18/2019
28	JUDGMENT in favor of NTT Data, Inc. against Charles Barnett, George Mandala. Signed by Clerk of Court on 7/19/19. (TF) (Entered: 07/19/2019)	07/19/2019

Dated: August 9th, 2019  
 New York, New York

Respectfully submitted,

By: /s/ Ossai Miazad  
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